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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/669,177 | 09/25/2000 | David L. Patton | 81531PF-P | 3008 |

7590 07/15/2004

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EXAMINER

TABATABAI, ABOLFAZL

ART UNIT

PAPER NUMBER

2625

(3)

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/669,177 | PATTON ET AL. |
| | Examiner Abolfazl Tabatabai | Art Unit 2625 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16,17,19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16,1,17,19 and 21-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 September 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Response to Amendment/Arguments

1. Applicant's arguments, (pages 6-8), filed on April 22, 2004 with respect to the rejection(s) of claim(s) 16,17,19 and 21-30 under Kaplan (U S 5,873,605) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kaplan (U S 5,873,605) and Guenther et al (U S 5,852,813).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 16,17,19, 21--25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (U S 5,873,605) in view of Guenther et al (U S 5,852,813).

Regarding claim 16, Kaplan discloses a personal postal product comprising:
an personal image product having a top surface and a bottom surface (column 2,
lines 13-18 and column 3, lines 18-24) said top surface having personal image having a
designated area where an official postal product may be placed (column 4, lines 26-44),
said designated area being modified based on a colormetric value of said official postal
product or personal image.

However, Kaplan is silent about the specific details regarding the step of
designated area being modified based on a colormetric value of said official postal
product or personal image.

In the same field (postage product) of endeavor, however, Guenther discloses
method and arrangement for entering data into a postage meter machine comprising
designated area being modified based on a colormetric value of said official postal
product or personal image (column 14, lines 47-51 and column 24, lines 22-29).
It would have been obvious to a person of ordinary skill in the art at the time the
invention was made to use colormetric value as taught by Guenther in the system of
Kaplan because Guenther provides Kaplan a system which the potentially greater
variety of the slogan or stamp images contributes to improving competition. Thus, one
can quickly collaborate with the new mail carriers in the marketplace because it is
possible for the user to modify the slogan or stamp image. This can lead to cost
advantages for the user of such a postage meter machine that can be quickly reset in
this way to new demands.

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Regarding claim 17, Kaplan is silent about the specific details regarding a personal postal product wherein the colormetric value comprises one or more of the following:

the color composition;

color;

contrast color;

texture.

In the same field (postage product) of endeavor, however, Guenther discloses method and arrangement for entering data into a postage meter machine comprising color (column 24, lines 22-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use color as taught by Guenther in the system of Kaplan because Guenther provides Kaplan a system which the potentially greater variety of the slogan or stamp images contributes to improving competition. Thus, one can quickly collaborate with the new mail carriers in the marketplace because it is possible for the user to modify the slogan or stamp image. This can lead to cost advantages for the user of such a postage meter machine that can be quickly reset in this way to new demands.

Regarding claim 19, Kaplan discloses a personal postal product wherein said modification comprises is blending of color at the transition between official postal product and personal image (column 3, lines 37-44).

Regarding claim 21, Kaplan discloses a personal postal product wherein a boarder area is provided in said designed area for providing an area where said official

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postal product may be placed for minimizing the possibility of have a non-uniform appearance between said official postal product and said personal image (column 3, lines 37-65).

Regarding claim 22, Kaplan discloses a personal postal product wherein said personal image product comprises a label (see Fig. 1).

Regarding claim 23, Kaplan discloses a personal postal product wherein said official postal product is a stamp (fig. 1 element 10).

Regarding claim 24, Kaplan discloses a personal postal product wherein said personal image comprises an image that is printed on said personal of image product (column 5, lines 4-16).

Claims 25 and 29 are similarly analyzed as claim 16, above.

Claim 27, is similarly analyzed as claim 24 above.

Claim 28, is similarly analyzed as claim 17, above.

Claim 30, is similarly analyzed as claim 23 above.

5. Claim 26, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (U S 873,605) and Guenther et al (U S 5,852,813) as applied to claim 25 above and further in view of Kara (5,717,597).

Regarding claim 26, Kaplan and Guenther et al (U S 5,852,813) are silent about the specific details regarding the step of determining said at least one colormetric value is accomplished by digitally scanning said personal image and/or official postal product.

In the same field (postage product) of endeavor, however, Guenther discloses method and arrangement for entering data into a postage meter machine comprises digitally scanning said personal image (column 6, lines 66-67 and column 7, lines 1-7).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use digital scanner as taught by Kara in the system of Kaplan because Kara provides Kaplan a system which the customer can do "one-stop" shopping for greeting card, an address envelop, and the appropriate postage and a further advantage of this system is that the customer select a postage indicia from a menu of available graphic configuration to correspond with the type of customized greeting card generated by the customer. Digital scanner is a high-resolution digitizer and is useful for translating between paper documents and electronic information.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

U. S. Patent (6,203,067 B1) to Shipston et al is cited for linerless postage stamps with cancellation ink absorbing particle.

U.S. Patent (6,499,654 B1) to Huff et al is cited for postcard for caring compact.

U S. Patent (6,503,329 B2) to Patton et al is cited for modification of receiver surface to reject stamp cancellation information.

U S. Patent (4,201,617) to Orsinger et al is cited for UV label sprayer for

segregating.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (703) 306-5917.

The Examiner can normally be reached on Monday through Friday from 9:30 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mehta Bhavesh M, can be reached at (703) 308-5246. The fax phone number for organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abolfazl Tabatabai

Patent Examiner

Group Art Unit 2625

July 5, 2004



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